

ATTACHMENT "B"

December 26, 2019 Letter from Mark S. Manion,
Attorney for Montecito Fire Protection District

Todd A. Amspoker
Susan M. Basham
Kristen M. R. Blabey
Shannon D. Boyd
Timothy M. Cary
Tara L. Christian
Melissa J. Fassett
Ian M. Fisher
Arthur R. Gaudi
Cameron Goodman
Emily B. Harrington
Christopher E. Haskell
James H. Hurley, Jr.
Eric P. Hvolbøll
Mark S. Manion
Steven K. McGuire



PRICE, POSTEL & PARMA LLP

Counsellors at Law

200 East Carrillo Street, Suite 400
Santa Barbara, CA 93101-2190

Mailing Address: P.O. Box 99
Santa Barbara, CA 93102-0099

www.ppplaw.com

Ph (805) 962-0011 Fax (805) 965-3978

E-mail: msm@ppplaw.com

Timothy E. Metzinger
Shereef Moharram
Craig A. Parton
Kenneth J. Pontifex
Douglas D. Rossi
Peter D. Slaughter
David W. Van Home
C.E. Chip Wullbrandt
Ryan D. Zick

CAMERON PARK OFFICE

3330 Cameron Park Drive, Suite 100
Cameron Park, CA 95682-7652
Ph (805) 962-0011
Fax (805) 965-3978

Our File Number:
12611-22

December 26, 2019

VIA HAND DELIVERY

Board of Supervisors
County of Santa Barbara
105 E. Anapamu St.
Santa Barbara, CA 93101

Attn: Jacquelyne Alexander
Chief Deputy Clerk of the Board

Re: Montecito Fire Protection District Proposed Ordinance No. 2019-02 – Adoption of Building Standards pursuant to Health and Safety Code Section 13869.7

Dear Ms. Alexander:

Enclosed herewith are 13 copies of Montecito Fire Protection District's Ordinance No. 2019-02 dated December 23, 2019 ("Ordinance"). The Ordinance is being sent to the Board of Supervisors pursuant to the provisions of Health and Safety Code section 13869.7, a copy of which is enclosed herewith for your information and convenience.

Section 13869.7 provides that the Fire District "may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code." The District has elected to adopt more stringent standards and the proposed standards are set forth in the Ordinance.

Board of Supervisors

Re: Montecito Fire Protection District Proposed Ordinance No. 2019-02

December 26, 2019

Page 2

Sections 13869.7 (a) and 17958.7 provide that before the District may adopt such an ordinance, the District “shall make an express finding that the Ordinance is reasonably necessary because of local climatic, geological or topographical conditions. The findings shall be available as a public record.” The District’s “express findings” are set forth in Article 11 of the Ordinance.

Section 13869.7 (b) also provides that the District “shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings . . . to the . . . county where the ordinance will apply. The . . . county . . . may provide the district with written comments which shall become a part of the fire protection district’s public hearing record.” Copies of the Ordinance were previously provided to the County Building Official, the County Fire Marshall, and to First District Supervisor on or about November 22, 2019. The District received comments from Massoud Abolhoda regarding the content of the Ordinance, which comments have been addressed to Mr. Abolhoda’s satisfaction.

Finally, Section 13869.7 (c) provides that the District “shall transmit the adopted ordinance to the . . . county where the ordinance will apply. The legislative body of the . . . county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination.” Upon ratification by the County, the Ordinance will become effective as of the date of ratification.

The District and this office are both looking forward to working with the County on this matter in order that the building standards as set forth in the Ordinance shall become effective in the interest of public safety and health in the Montecito Fire Protection District area at the earliest possible date. Should you have any questions concerning any of the enclosures and the procedures to be followed, please feel free to contact the undersigned or Chief Kevin Taylor at the District. Thank you.

Very truly yours,



Mark S. Manion
Cameron Goodman
for PRICE, POSTEL & PARMA LLP

Enclosures

cc: Clients
Jerry Czlueger

West's Annotated California Codes

Health and Safety Code (Refs & Annos)

Division 12. Fires and Fire Protection (Refs & Annos)

Part 2.7. Fire Protection District Law of 1987 (Refs & Annos)

Chapter 5. General Powers and Duties (Refs & Annos)

West's Ann. Cal. Health & Safety Code § 13869.7

§ 13869.7. Building standards; fire and panic safety; local ordinances; fire sprinkler systems; exemptions; enforcement

Currentness

(a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noticing a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county, or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.

(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the Department of Housing and Community Development.

(d) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.

(g) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(h)(1) A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

Credits

(Added by Stats.1990, c. 1111 (A.B.2666), § 5. Amended by Stats.1992, c. 661 (A.B.3206), § 3; Stats.1993, c. 906 (A.B.557), § 13, eff. Oct. 8, 1993, operative Jan. 1, 1994.)

West's Ann. Cal. Health & Safety Code § 13869.7, CA HLTH & S § 13869.7

Current with urgency legislation through Chapter 893 of 2016 Reg.Sess., Ch. 8 of 2015-2016 2nd Ex.Sess., and all propositions on 2016 ballot.